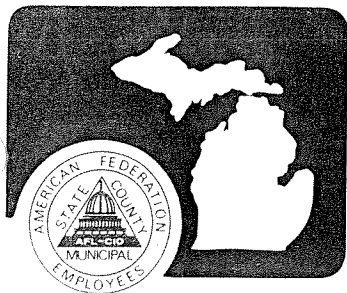


"The Union . . . that cares!"



MICHIGAN AFSCME

COUNCIL 25

*American Federation of State, County
and Municipal Employees, AFL-CIO*

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THANK YOU MR. CHAIRMAN.

MEMBERS OF THE COMMITTEE:

**MY NAME IS NICK CIARAMITARO AND I AM DIRECTOR OF
LEGISLATION AND PUBLIC POLICY FOR THE MICHIGAN COUNCIL OF
THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES.**

**MICHIGAN AFSCME STRONGLY OPPOSES THE PACKAGE OF BILLS
BEFORE YOU BECAUSE THEY WOULD SEND A MESSAGE THAT THE
STATE OF MICHIGAN DOES NOT VALUE THE HARD WORK AND
EFFORT OF DIRECT CARE WORKERS ENOUGH TO RECOGNIZE THEIR
RIGHT OF SELF DETERMINATION AND WOULD HAVE THE EFFECT OF
REWARDING EMPLOYERS WHO VIOLATE MICHIGAN AND NATIONAL
LABOR LAWS. THESE BILLS WOULD DO NOTHING TO IMPROVE THE
SUPPORTS AND SERVICES AVAILABLE TO PEOPLE WITH
DEVELOPMENTAL DISABILITIES, THOSE SUFFERING FROM MENTAL
ILLNESS AND OLDER CITIZENS WHO NEED THE HELP OF DIRECT
CARE WORKERS. IT SHOWS A LEVEL OF DISDAIN FOR THOSE
PROVIDING CARE TO OUR PARENTS, GRANDPARENTS AND DISABLED
CHILDREN AT A TIME WHEN WE MOST NEED TO ATTRACT AND
RETAIN MORE WORKERS TO THE FIELD AS THE BOOMER
GENERATION – MY GENERATION – BEGINS TO TURN SIXTY AND
SHOWS GREAT PROMISE OF LIVING MANY YEARS.**

**THE NEED TO ATTRACT AND RETAIN QUALITY HEALTH CARE
WORKERS WAS A KEY FINDING IN THE REPORT OF THE LONG TERM
CARE TASK FORCE. INDEED, PROVIDERS, ADVOCATES AND
WORKERS, AS WELL AS MEMBER FROM BOTH SIDES OF THE ISLE
AGREED THAT QUALITY WORKERS ARE CRITICAL TO QUALITY
SERVICE.**

A RECENT MICHIGAN STATE UNIVERSITY STUDY (VIEWS FROM THE FRONT) SHOWS THAT MICHIGAN WILL NEED TO MORE THAN DOUBLE THE NUMBER OF DIRECT CARE WORKERS IN THE NEXT DECADE BUT IS UNABLE TO ATTRACT AND RETAIN SUFFICIENT WORKERS, NOT ONLY AS A RESULT OF LOW WAGES AND BENEFITS, BUT ALSO AS A RESULT OF A SENSE THAT THE IMPORTANT AND DIFFICULT WORK THEY DO IS NOT APPRECIATED BY OUR SOCIETY. EVERY DAY DIRECT CARE WORKERS ARE FORCED TO LEAVE THE JOBS THEY LOVE. WHAT DOES IT SAY ABOUT OUR VALUES WHEN DIRECT CARE WORKERS ARE TREATED WITH LESS RESPECT THAN FAST FOOD WORKERS – AND I MEAN NO DISRESPECT TO FAST FOOD WORKERS?

THE STANDARD ANSWER IS THAT WE WANT TO RECOGNIZE THEIR EFFORTS WITH BETTER PAY AND BETTER BENEFITS BUT WE JUST CAN'T AFFORD IT. WE CAN'T AFFORD TO TAKE CARE OF OUR PARENTS, GRANDPARENTS AND DISABLED CHILDREN?

THE TRUTH IS WE HAVE A MORAL OBLIGATION TO TAKE CARE OF THEM. BUT THE SAD TRUTH IS THAT THE INDUSTRY FORCES DIRECT CARE WORKERS INTO SOCIAL WELFARE PROGRAMS BY SANCTIONING LOW WAGES AND BENEFITS. FULLY FIFTY PERCENT OF DIRECT CARE WORKERS IN THIS STATE – PEOPLE WHO WORK FORTY TO SIXTY HOURS A WEEK FOR TWO AND THREE EMPLOYERS DOING PHYSICALLY AND EMOTIONALLY DRAINING WORK – ARE FORCED TO RESORT TO FOOD STAMPS AND APPLY FOR MEDICAID TO MEET THEIR OWN HEALTH CARE NEEDS AND THE NEEDS OF THEIR FAMILIES. IS IT ANY WONDER THAT THE INDUSTRY WIDE TURNOVER RATE IS MORE THAN SIXTY PERCENT A YEAR AND IN SOME CASES RISES AS HIGH AS 100 TO 300 PERCENT. NOT ONLY DOES A TURNOVER RATE OF THAT MAGNITUDE DECREASE THE AVAILABILITY OF QUALITY WORKERS BUT IT DEMORALIZES CONSUMERS AND WASTES TAX DOLLARS ON TRAINING REPLACEMENT WORKERS.

BY PROHIBITING ANY "DISCRIMINATION" AGAINST A PROVIDER OR LICENSEE ON THE BASIS OF THE EXISTENCE OR LACK OF EXISTENCE OF A COLLECTIVE BARGAINING AGREEMENT, THE BILLS ATTEMPT TO PREVENT THE USE OF THE EXISTENCE OF SUCH AN AGREEMENT AS EVIDENCE OF COMPLIANCE WITH OTHER RULES – A LONG STANDING PRECEDENT IN A OTHER AREAS OF THE LAW. BUT MORE IMPORTANTLY THEY WOULD PREVENT THE DEPARTMENTS OF COMMUNITY HEALTH AND HUMAN SERVICE FROM USING THEIR RULE MAKING AUTHORITY TO ENFORCE LONG ESTABLISHED NATIONAL AND MICHIGAN LABOR LAWS. NO MATTER HOW MANY UNFAIR LABOR PRACTICE ALLEGATIONS, NO MATTER HOW MANY UNFAIR LABOR PRACTICE DETERMINATIONS, NO MATTER IF THE EMPLOYER REFUSES TO RECOGNIZE A DEMOCRATICALLY ELECTED UNION OR REFUSES TO BARGAIN IN GOOD FAITH, NO MATTER IF

EMPLOYEES ARE FIRED FOR UNION ACTIVITY, THE BILL SUGGESTS THAT THE STATE MUST LICENSE AND EVEN CONTRACT USING TAXPAYERS' MONEY WITH THAT PROVIDER FOR SERVICES.

IF YOU THINK I AM EXAGGERATING, NOTE THAT A NUMBER OF ENTITIES LICENSED BY THE STATE AND ENJOYING THE SUPPORT OF TAXPAYER FUNDED CONTRACTS HAVE JUST SUCH A TRACT RECORD. OVER 27 PROVIDERS WERE FOUND IN ONE CASE ALONE TO HAVE VIOLATED THE LAW BY FAILING TO NEGOTIATE IN GOOD FAITH BY NO LESS THAN THE SUPREME COURT AND YET NONE OF THOSE 27 PROVIDERS HAS YET TO CONCLUDE A CONTRACT.

TO BE SURE THERE ARE MANY GOOD PROVIDERS STRUGGLING TO PROVIDE SERVICES ON SCARCE RESOURCES. BUT REFORMS ARE NEEDED NOT FOR THOSE WHO DO THE RIGHT THING BUT FOR THOSE WHO DO NOT.

ONE OF THE WORST RECORDS ON FILE WITH THE STATE SHOWS A NON-PROFIT PROVIDER – AND I WON'T NAME THE COMPANY PUBLICLY BECAUSE I DON'T KNOW IF THEY ARE HERE TO RESPOND – THAT RAN 22 HOMES IN 2004 AND PAID ITS PRESIDENT NEARLY \$265,000. BUT IN ADDITION TO 3 UNFAIR LABOR CHARGES IT ALSO RACKED UP 70 HEALTH AND SAFETY VIOLATIONS. AND UNLESS YOU THINK THIS IS AN ISOLATED CASE, I HAVE ATTACHED THREE PAGES OF VIOLATIONS WHICH OUR INTERNATIONAL STAFF COMPILED IN JUST A FEW DAYS.

CLEARLY REFORM OF THIS SYSTEM IS NECESSARY.

THESE BILLS WOULD RESTRICT THE EXECUTIVE BRANCH FROM *CONSIDERING* ONE OPTION TO DEALING WITH THE PROBLEM. THEY ARE PREMATURE AT BEST AND ANTI-WORKER AT WORST. THE FLURRY OF ACTIVITY BY THE INDUSTRY IS BASED ON A CONCERN FOR RULES THAT HAVE NOT EVEN BEEN PROMULGATED BY ANY DEPARTMENT OF STATE GOVERNMENT.

A DOZEN ADVOCACY GROUPS – NOT LABOR GROUPS BUT GROUPS THAT ADVOCATE FOR CONSUMERS – ASKED GOVERNOR GRANHOLM AND THE DEPARTMENTS TO LOOK INTO THE SERIOUS PROBLEMS IN THIS INDUSTRY. WE HAVE MADE SUGGESTIONS BUT NO REFORMS HAVE BEEN FINALIZED OR PROMULGATED. INDEED, BEFORE ANY RULES COULD GO INTO EFFECT THEY WOULD HAVE TO BE FIRST CLEARED BY THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES AND THE LEGISLATIVE SERVICE BUREAU. AFTER A MINIMUM 28 DAY NOTICE PERIOD THE DEPARTMENTS WOULD BE REQUIRED TO HOLD AT LEAST ONE PUBLIC HEARING. THE DEPARTMENTS WOULD THEN BE REQUIRED TO EITHER ADOPT OR EXPLAIN THEIR DISAGREEMENT WITH ANY SUGGESTIONS MADE AT PUBLIC HEARING. THEN THOSE RULES WOULD BE SUBMITTED TO THE LEGISLATURE BEFORE THEY GO INTO EFFECT.

BY THE WAY, OUR SUGGESTIONS DO NOT MANDATE COLLECTIVE BARGAINING NOR DO THEY REQUIRE ANY ONE TO JOIN A UNION. THEY DO DEMAND ACTION TO ATTRACT AND RETAIN DIRECT CARE WORKERS SO CRITICAL TO THE HEALTH AND WELL BEING OF MICHIGAN'S CITIZENS. AND WE DO THINK THAT THE EXISTENCE OF A COLLECTIVE BARGAINING AGREEMENT SHOULD BE EVIDENCE OF SUCH AN EFFORT BUT IT IS BY NO MEANS A REQUIREMENT. NOR WOULD WE BE INTERESTED IN FORCING UNIONAZATION ON ANY ONE. IT IS A KEY TENET OF THE LABOR MOVEMENT THAT WORKERS – NOT UNIONS AND CERTAINLY NOT THEIR EMPLOYERS – DETERMINE WHEN AND WHICH UNION TO JOIN OR TO REMAIN UNREPRESENTED.

IN SUMMARY, WE WOULD HOPE THAT THE MEMBERS OF THIS COMMITTEE WOULD WORK WITH US TO FIND SOLUTIONS TO THE SERIOUS DIRECT CARE CRISIS FACING OUR STATE RATHER THAN MOVING LEGISLATION DESIGNED TO ELIMINATE CONSIDERATION OF ONE OPTION. WE ARE ANXIOUS TO WORK WITH YOU, WITH THE ADVOCACY COMMUNITY AND WITH THE PROVIDER COMMUNITY TOWARD THAT END. BUT IN OUR VIEW, IGNORING THE PROBLEM IS NOT AN OPTION.

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Michigan Group Home Violation Examples

License #	Licensee Name	Address	Violation	Description
AL340085049	HORSTMAN WAYNE & JOYCE	3935 E BLUEWATER HWY IONIA, MI 48846-8846	R 400.15314	Residents had piles of dirty clothes in their rooms and wore dirty clothes regularly.
AL340085049	HORSTMAN WAYNE & JOYCE	3935 E BLUEWATER HWY IONIA, MI 48846-8846	R 400.15303	Resident walked away from the facility down a highway unsupervised.
AL340085049	HORSTMAN WAYNE & JOYCE	3935 E BLUEWATER HWY IONIA, MI 48846-8846	R 400.15405	Bedroom smelled like urine.
AL050081684	PARADIS DONNA J	5988 NORTH M 88 EASTPORT, MI 49627-9627	R 400.15204	CPR and First Aid trainings were not available in-home for most staff.
AL050081684	PARADIS DONNA J	5988 NORTH M 88 EASTPORT, MI 49627-9627	R 400.15401	Water temp. was 130 degrees.
AL330067538	OWEN VICKI T	2508 BROGAN RD STOCKBRIDGE, MI 49285-9285	R 400.15403	Numerous violations including exposed electrical wires and spaces with no flooring (where a wall was moved).
AL250087765	ELIZABETH'S ASSISTED LIVING	1417 W. VIENNA RD. CLIO, MI 48420-8420	R 400.15311	An incident report was written 2 weeks late and no investigation occurred.
AL580007271	H N P H INC	852 W ELM MONROE, MI 48161-0000	R 400.15311	The home has not submitted any incident reports regarding residents' destructive and/or assaultive behavior.
AL320071678	EMPEY'S AFC INC	8528 LAKE ST PORT AUSTIN, MI 48467-0000	R 400.15318	No fire drill conducted during sleeping hours in last quarter of 2004.
AL320071678	EMPEY'S AFC INC	8528 LAKE ST PORT AUSTIN, MI 48467-0000	R 400.15312	The dosage on the pharmacy label does not match the dosage in the medication log.
AL130006928	Cretsingher Care Homes Ltd.	298 Capital Ave NE, Battle Creek 49017	R 400.15403	1st Floor bathroom smelled like urine
AL730079382	Allerra Assisted Living Services Inc	2445 McCarty Road, Saginaw, MI 48603	R 400.15206	The facility was insufficiently staffed on Dec. 26, 2004; there was only one staff on duty during the second shift to serve 19 residents
AL130077500	Allerra Assisted Living Services Inc	191 Lois Drive, Battle Creek, MI 49015	R 400.15312	Resident given the wrong meds and taken to hospital
AL470092981	Ashley Court of Brighton	7400 Challis Road, Brighton, MI 48116	R 400.15206	Only one direct care staff on duty for 20 consumers on Feb. 4, 2005; the lack of sufficient supervision and protection provided the opportunity for Resident A to cause serious injury to Resident B

Michigan Group Home Violation Examples

License #	Licensee Name	Address	Violation	Description
AL470092981	Ashley Court of Brighton	7400 Challis Road, Brighton, MI 48116	R 400.15310	Resident did not receive necessary medical attention for significant injuries until at least 3 hours later
AL690095752	Retirement Living Management Co	1261 Village Parkway, Gaylord 49735	R 400.15305	Resident left in the shower for approximately 2 hours for disciplinary reasons. Resident left lying in bed in feces for 1 hour. Resident not fed any meals until 1:30pm. Staff person treats resident rough.
AL630007305	Clarence Barrett & Lura Barrett	337 W. Kennett, Pontiac 48340	R 400.15204	Verification of training was not available for 5 staff; repeat violation from previous renewal inspection
AL630007305	Clarence Barrett & Lura Barrett	337 W. Kennett, Pontiac 48340	R 400.15312	Consumer administers medication to himself
AL740015196	Belle River Pines Inc.	11849 Belle River Rd., Memphis 48041	MCL 400.722	Fire drill documentation was falsified
AL740015196	Belle River Pines Inc.	11849 Belle River Rd., Memphis 48041	R 400.15206	Short-staffing -- ratio of 1:17 at night
AL740015196	Belle River Pines Inc.	11849 Belle River Rd., Memphis 48041	R 400.15311	An incident report was never sent to the licensing consultant
AL740015196	Belle River Pines Inc.	11849 Belle River Rd., Memphis 48041	R 400.15318	Fire drills have not been conducted
AL820007648	Courtyard Manor of Livonia, Inc.	32406 Seven Mile Rd., Livonia 48154	R 400.15204	9 workers did not have current first aid or CPR certifications
AL820007656	Courtyard Manor of Livonia, Inc.	32406 Seven Mile Rd., Livonia 48154	R 400.15314	Ongoing staff shortages prevent personal hygiene from being addressed as it should be
AL820007657	Courtyard Manor of Livonia, Inc.	32410 W. Seven Mile Rd., Livonia, MI 48152	R 400.15311	Facility did not file an incident report for hospitalization of resident; also did not contact his wife who is his guardian
AL820007658	Courtyard Manor of Livonia, Inc.	32406 Seven Mile Rd., Livonia 48154	R 400.15310	Facility did not obtain proper care for resident when there were signs of her not eating or drinking fluids, weight loss and the bed sores, facility nurse and physician did not treat or obtain timely wound care for bedsores; resident did not receive any treatment for weight loss of 15 pounds during her 69 day stay at facility

Michigan Group Home Violation Examples

License #	Licensee Name	Address	Violation	Description
AL1110237484	Alvin G. Ferdinand Inc.	4074 Lake Street, Bridgman, MI 49106	R 400.15312	Resident was given another resident's medication by mistake and had to be taken to ER for treatment
AL110095313	Alvin G. Ferdinand Inc.	11880 Gast Road, Bridgman 49106	R 400.15403	Strong odor of urine throughout the facility
AL190248000	Caring Hands Loving Hearts LLC	311 Higham, St. Johns, 48879	R 400.15403	Cal litter box in room 4 had a strong urine odor
AL190248000	Caring Hands Loving Hearts LLC	311 Higham, St. Johns, 48879	R 400.15403	Open food at the medication station, candles burning everywhere, strong urine odor, sticky/dirty floors; sharp, dirty knife was found next to an orange juice container on the dining room table
AL190248000	Caring Hands Loving Hearts LLC	311 Higham, St. Johns, 48879	R 400.15311	Licensee failed to submit an incident report when resident demonstrated violent behavior and was hospitalized
AL190248000	Caring Hands Loving Hearts LLC	311 Higham, St. Johns, 48879	R 400.15311	Incident reports not completed for runaway and violent outburst
AL190248000	Caring Hands Loving Hearts LLC	311 Higham, St. Johns, 48879	R 400.15313	Minimum of three nutritional meals are not provided daily
AL190248000	Caring Hands Loving Hearts LLC	311 Higham, St. Johns, 48879	R 400.15403	No toilet paper in main bathroom and no toilet paper in the storage room
AL190248000	Caring Hands Loving Hearts LLC	311 Higham, St. Johns, 48879	R 400.15403	Showerhead was broken in the main bathroom used by the residents, residents could not shower for several days
AL190248000	Caring Hands Loving Hearts LLC	311 Higham, St. Johns, 48879	R 400.15404	Inadequate provision for the laundering of residents' laundry -- no laundry soap for 2 weeks, etc.